

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

475C0481

CONFERENCE COMMITTEE ENGROSSED

NO. **SB130** - 3/5/99

Introduced by: Senators Whiting, Albers, Brosz, Drake, and Staggers and Representatives
Hennies, Duniphan, Fitzgerald, McCoy, and Wilson

1 FOR AN ACT ENTITLED, An Act to revise and expand certain provisions relating to third
2 offense assault.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1 be amended to read as follows:

5 22-18-1. Any person who:

6 (1) Attempts to cause bodily injury to another, other than a law enforcement officer
7 engaged in the performance of ~~his~~ official duties, and has the actual ability to cause
8 the injury;

9 (2) Recklessly causes bodily injury to another;

10 (3) Negligently causes bodily injury to another with a dangerous weapon;

11 (4) Attempts by physical menace to put another in fear of imminent serious bodily harm,
12 with or without the actual ability to seriously harm the other person; or

13 (5) Intentionally causes bodily injury to another which does not result in serious bodily
14 injury;

15 is guilty of simple assault.

16 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of,

1 or entered a plea of guilty to, two or more violations of this section § 22-18-1, 22-18-1.1, 22-18-
2 26, or 22-18-29 within five years of committing the current offense, the defendant is guilty of
3 a Class 6 felony for any third or subsequent offense.

4 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any conviction for, or plea of guilty to, an offense in another state which, if committed in this
7 state, would constitute a violation of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29, and which
8 occurs within five years prior to the date of the violation being charged, shall be used to
9 determine if the violation to be charged is a third or subsequent offense pursuant to section 1 of
10 this Act.

1 **BILL HISTORY**

2 1/25/99 First read in Senate and referred to Judiciary. S.J. 179

3 2/5/99 Scheduled for Committee hearing on this date.

4 2/5/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 364

5 2/9/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 404

6 2/10/99 First read in House and referred to Judiciary. H.J. 473

7 2/17/99 Scheduled for Committee hearing on this date.

8 2/17/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 566

9 2/19/99 House of Representatives Deferred to another day. H.J. 653

10 2/22/99 House of Representatives Deferred to another day. H.J. 692

11 2/23/99 Motion to Amend, Passed. H.J. 724

12 2/23/99 House of Representatives Do Pass Amended, Passed, AYES 61, NAYS 9. H.J. 725

13 2/25/99 Senate failed to concur, appoint Conference Committee. S.J. 682

14 3/3/99 Senate Conference committee report adopted Passed, AYES 33, NAYS 1. S.J. 760

15 3/5/99 House of Representatives Conference committee report adopted Passed, AYES 66,
16 NAYS 1.